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FRANCE AND THE ASSOCIATIONS LAW.

BY WALTER LITTLEFIELD.

FREEDOM of conscience, so-called, whether religious or non-religious, is probably the most important guarantee of modern civilized society. It is a light which illuminates the past and beacons the future. It protects superstition, but it guides intelligence. It was natural, therefore, that the extraordinary religio-militant demonstrations which France has witnessed this summer should arouse keen interest throughout the world. It was natural, too, that wide-spread sympathy should be felt for those servants of the Roman Catholic Church, who were the victims of a law which seemed to strike at the very root of individual liberty.

The record of events as transmitted by cable, offered encouragement, if not absolute justification, for the sympathy aroused. Between June 27th and August 20th, nearly 2,500 schools and seminaries controlled by Religious Orders were closed by decrees signed by the President of the Republic. Often the execution of these decrees was attended by acts of violence. In certain Departments, so formidable was the resistance the people offered, that the police at the command of the local prefects was found to be insufficient, and the military was employed. Scenes of great dramatic and human interest took place, particularly in west Brittany and in the Vendée south of Brittany. At Lanouée, 600 nuns and peasant women armed with scythes and pikes defended a school until dispersed by the soldiers. At Saint-Méen, a conflict between the enraged populace and the soldiers was narrowly avoided. A school at Plondaniel was heavily barricaded and the Lady Superior said to the gendarmes sent to expel her: "You see our defences. You must shoot us before we yield. There will be bloodshed if any one attempts to enter." The Lady Superior at Landerneau Convent said: "Like true Bretons, we will yield only to force. The women

and other people who are guarding the school night and day have given us a courageous example." The common people were not alone in championing the cause of the Sisters. At Sully, the Marquise MacMahon, daughter of the Duc de Chartres, took her place with the nuns in the local convent and was forcibly expelled with them. In the same manner the Duchesse de Braganza stood by the nuns of St. Benedict. Two officers of the army, Col. de Saint-Rémy and Commandant Le Roy Ladurie refused to obey orders to expel nuns, on the ground that they were Christians first and soldiers afterwards.

These are only a few of the incidents attending the execution of the decrees. In the mean time, public meetings were held in various towns where the action of the Government was condemned with mighty vociferation. Certain local Courts of Appeal declared the placing of seals on the school doors illegal. Several magistrates resigned rather than prosecute those who had met the police and soldiers with assault. Even prelates of the secular clergy begged the Government to give the Sisters more time. A delegation of Parisian society ladies waited on Mme. Loubet praying that she would use her influence with her husband to stop "this monstrous outrage." It was all in vain. Decrees of closure continued to be signed and enforced. By the last of August the work was complete. Every school in France, which had not willingly acknowledged the authority of the state, had been closed. At the eleventh hour the Government made this concession: the schools might be reopened with lay teachers, pending the settlement of the estates.

But what was the exact character of the schools closed?

Why had they declined to comply with the law?

What was this law, its origin, its aim?

It may be stated here, in the most categorical manner possible, that no purely charitable institution has been disturbed by the decrees. Those schools, the closing of which has aroused such profound sympathy abroad, may be divided into three classes: (1) those in which pupils were received free of charge, but which were supported by subscriptions, or by profit from the pupils' work; (2) those maintained as stock companies, deriving their means from the tuition paid by pupils; and (3) those receiving charity pupils as well as paid pupils and supported by various means—direct subscription, tuition, or through stipend granted

them by the Religious Order in whose name they were operated. All came under the generally accepted definition of "private schools," for they were conducted by independent, organized bodies, and capable of producing pecuniary profit.

In denying the right of the state to interfere with the schools, both the Concordat of 1801 and the Falloux Law of 1850 were evoked. One guaranteed to the Catholic Church full exercise of its rubric. The second made religious education independent of state authority. Popularly, Catholic resentment may be best expressed by the words of the Lady Superior of the Assumptionist Convent, in the Rue Violet, Paris: "We deny the right of the Government to pay domiciliary visits to our convents. We deny its right to supervise our methods or inquire into our aims. We have nothing to conceal, but a principle is at stake and we mean to defend it."

It seems proper to pause here and consider the other side of the question.

It should be borne in mind that, of the population of France, numbering 39,000,000 souls, 37,000,000 are Catholics. Is it not absurd to suppose that 2,000,000 Protestants, Jews, Agnostics, Atheists, or what you will, could dictate legislation to such a vast majority enjoying the privilege of universal suffrage? It should also be remembered that the state maintains at her own expense 18 Archbishops, 72 Bishops, 33,452 priests and 6,923 assistant priests, who, while appointed by the state and strictly amenable to the laws thereof, draw their religious authority from the Vatican. Apart from these are the Religious Orders, which have their own constitutions and laws. Ostensibly, they are within the jurisdiction of the Vatican; in reality, they draw their authority from their own executives, who have been known to go contrary to the rule of the Vatican or to bring the Vatican over to their way of thinking. In 1901, these Orders included 152 male and 1,511 female associations, possessing 16,468 establishments—hospitals, asylums, reformatories and schools. In the last ten years these establishments had increased by twenty per cent.

The Religious Orders in France formed a sort of *imperium in imperio*. Readmitted into the country by Napoleon I., they had steadily increased in power and wealth, which, from time to time, were employed toward political ends. But neither monarchy nor empire was actively inimical to their aims and ends. With

the Republic it has been otherwise. Laws have been introduced taxing their properties; decrees have been enforced dispersing this or that Order. Still, the Orders prospered. They found ways to avoid the payment of taxes. Succeeding Governments removed the restrictions that had been placed upon them.

When, in 1899, the smoke of that prodigious national fulmination known as "the Dreyfus case" had partially subsided, the Republic was revealed in a desperate condition. As the attempt to secure justice for the ill-fated Jewish captain of artillery had spread among fair-minded Frenchmen until it became a Government policy, so, on the other hand, the attempt to perpetuate the original judicial error augmented until it reached the proportions of a conspiracy, not only against the Government, but against the Republic itself whose institutions had made the reopening of the case possible. While the French General Staff was doing its best to conceal the crime of its army chiefs from the eyes of France, the Religious Orders, through their press and pulpits, endeavored to convince France that these chiefs could do no wrong. How well they succeeded has become a matter of history. It needed a fearless and truly patriotic hand to raise the veil and reveal the truth. "The Cabinet of Republican Defence," at whose head was M. Waldeck-Rousseau, did this. The Dreyfus case itself was first dealt with in a manner calculated to restore public tranquillity at the earliest possible moment. Then began the prosecution of that Order which had most flagrantly played the rôle of treason, the Assumptionists, and of the Orléans and Nationalist conspirators.

After the Assumptionists had been dissolved, their organ, "*La Croix*," suppressed — after MM. Déroulède, Guérin and Marcel-Habert had been sentenced — Frenchmen began to examine those conditions which had made the Dreyfus case possible. They asked themselves: What made the army so ready to perpetuate the crime of its chiefs and shield its forgers and traitors? What made these actions so acceptable to French public opinion?

The army chiefs, who had shown themselves to be enemies of Republican institutions, were all, before entering Saint-Cyr and the Polytechnique, the product of Clerical schools. The discipline of this education, that the end justifies the means, they had carried with them into their army careers. It was natural that

a large part of the public receiving its education from the same sources should believe in them. This belief, fortified by the traditional fetich of "*L'honneur de l'armée*," made their characters inviolable. At length, Frenchmen understood the difference between "*Vive la République*" and "*Vive la France*"—the latter portended revolution. But they were ready to forgive their army, for they saw that it had been misled; they saw that under a truly patriotic Minister of War it could be taught its proper function as the servant, and not the master, of the Republic. But they were not ready to forgive the Religious Orders, which had attempted to seduce their army and make the people of France acquiesce in the seduction. They realized that the very medium through which the Orders exerted their influence, accumulated their wealth, and extended their power, was inimical to democratic principles—that their system of education, however successful it might be in moulding the minds of Royalists, could never turn out thoroughly republican French citizens.

The Associations Law was the masterpiece of the Waldeck-Rousseau administration. It had three objects in view: to enable the Government to declare null and void, without process of law, any association which, in character, design or influence, was deemed contrary to existing laws; to force native associations to recognize the state as their source of power; to force associations in France controlled from abroad to show cause why they should be permitted to exist within the jurisdiction of the Republic. An association was defined as an organization "of two or more persons, whereby they place in common their knowledge or activity with a purpose other than that of sharing profits." Proper punishments were provided for violations of this law. In the case of an illegal association, its property was to be returned to the original donors or their heirs, as far as possible; to those of its members whose labors had contributed to its wealth; or, finally, it was to be set aside for a superannuated workingman's pension fund. The bill was passed by a majority of 79 in the Chamber and 74 in the Senate. It became a law on July 1st, 1901. Six months were given the Orders in which to apply for authorization. The time was then extended for three months; then for three months more.

Although Religious Orders were not specially designated in the law, it was obvious that its application would completely disrupt

and disorganize their system. Militant societies like the Assumptionists and Jesuits would at once come under the class of illegal associations; the great Latin Orders of Dominicans, Carmelites, Capucins, Benedictines, etc., controlled from abroad, could only receive authorization to operate in France after a most searching inquiry into their methods and aims; other Orders must acknowledge the sovereignty of the state. But it was not alone the fear of political interference on the part of the Orders which had caused all liberal-minded Catholics to unite with non-religious Deputies in a desire to suppress or regulate the Congregations. Their papers, like "*La Croix*" and "*Le Pèlerin*," prostituted their columns to the most ignorant, superstitious and easily gullible portion of the French public. It is, I think, proper to show the character of these offences, if for no other reason than to reveal one source of the wealth of the Orders and the cause of their detestation by all progressive and fair-minded Frenchmen of any creed whatsoever. Opening, almost at random, the files of "*Le Pèlerin*," I come upon the following notice:

"Seven hundred and eighty-nine letters have been deposited this week in St. Anthony's box, 8 Rue François I., Paris. They announced or recommended: 153 healings, 562 temporal graces, 193 conversions, 180 positions obtained, 492 thanksgivings, 36 vocations, 52 marriages, 553 special graces, 12 first communions, 260 trading establishments, 41 lost objects, 24 examinations, 168 families, 110 deceased, 27 law suits, 125 young people, 21 parishes, 10 literary works."

Sixty-seven letters addressed to St. Anthony are quoted; they brought to his coffers 643 francs. It is simply a matter of arithmetic, therefore, to show that his week's mail at one box probably netted to him 6,500 francs, or \$1,300. Two letters will be sufficient to indicate the nature of the others:

"Herault.—Two francs promised to St. Anthony if we found our poor dog, who had gone astray on the mountain. He has turned up safe and sound. I fulfil my promise."

"Nord.—Promised five francs to St. Anthony if he would accord me his protection in regard to our business, and in particular for the success of three ventures which preoccupied us. We have been heard. Thanks."

In these circumstances, it is not surprising that in 1899 the Assumptionists had 1,800,000 francs in their strong-box. Nor is

it to be wondered at that, with such methods, the property of the Orders so rapidly augmented in France, until it became the despair of the Secular Clergy.

By October, 2d, 1901, only 1,779 male and 3,362 female establishments of the Orders had sent in petitions praying for authorization by the French Government, leaving 11,327 out of 16,468 establishments which made no application. Many Congregations—Carthusians, Jesuits, Carmelites, Benedictines, Assumptionists, etc.—were preparing to leave France or had already done so. Among those who had applied for and received authorization, were the Capucins, Dominicans, and Trappists. Others declared that they would await events. The Pope, before the passage of the Associations Law, had in a letter addressed to the bishops of France protested against its principle and aim. He now instructed the Orders to apply for authorization if they so desired. It is a significant fact that the Orders which applied for authorization were those which have always been obedient to the will of the Vatican, expressed or implied, and mindful of the attitude of the Secular Church of France.

Last autumn the Waldeck-Rousseau Ministry became the longest-lived of any Government in the career of the Third Republic; and, although it still continued to command working majorities in the Chamber, it was felt that, before closing the establishments of the recalcitrant Orders by decrees, a proper respect for the sentiment of the body politic of France required an expression on this point through universal suffrage. The general elections of last Spring set an unqualified stamp of approval upon the work of the Cabinet, both realized and prospective. So encouraging was the Government majority that M. Waldeck-Rousseau decided to leave in more expert hands that part of the programme of "Republican Defence" which still lacked execution. M. Waldeck-Rousseau withdrew, and was succeeded by M. Combes as President of the Council and Minister of Public Worship. The obvious progressive and radical proclivities of a majority of the Deputies that had been returned caused other changes to be made in the personnel of the Cabinet, but M. Delcassé's retention of the Foreign Portfolio was a guarantee of continued pacific international relations, while with Gen. André in the War Office there was little danger that the army would again forget itself.

And here a word about M. Combes. Upon his shoulders, as Minister of Interior and of Public Worship, rested the execution of the Law of Associations. M. Combes, who has been a Senator since 1885, is a doctor by profession. He was educated by the Jesuits and even took orders. His knowledge of church history is profound. He is the author of an authoritative work entitled "*Psychologie de Saint Thomas d' Aquin.*" On June 10th he read the Government declaration from the tribune of the Chamber. Those parts of the address pertaining to the subject in hand are worthy of remembrance:

"The electoral campaign turned entirely on the policy of the late Ministry and of the majority behind it. The enemies of our institutions have denounced as a sectarian and revolutionary work what was merely a work of union between the different fractions of the Republican party for the defence of the Republic. Universal suffrage has pronounced. It has approved the conduct of the Government, it has returned a stronger majority and one not less determined to hold together. It is to this majority, without distinction of shades, that we appeal. Its ranks remain open to all men of good-will, its union is as obligatory as ever not only to complete the work of Republican defence and action, so well begun by our predecessors, but to give the country the reform it awaits. Why should this union cease, since it is by it that we have won? The Government will seek to avoid all that might have the effect of breaking or enfeebling it. The coalition condemned by the country has done everything of late years to alter the national character of the army and to divert it from its unique and noble mission. We should combat, with the utmost energy, any such attempts, were they to occur again. We shall know how to hold the army aloof from politics.

"Yielding to culpable suggestions, a portion of the clergy has sought to confound the cause of the Catholic Church with that of the Religious Orders. Contrary to the spirit of the law, it has descended into the electoral arena. Such lapses are intolerable. We shall have to examine with you whether the means of action at present at the disposal of the Government suffice to prevent their repetition. The Associations Law has entered upon the period of administrative and judicial application. The Government will see to it that none of its provisions remains null and void. We shall propose to you at the same time the abrogation of the Education (Falloux) Law of March 15, 1850, and the restoration to the state, without being obliged to revert to a University monopoly, of the rights and guarantees which it now utterly lacks."

As I have stated, the first budget of decrees ordering the closing of Association schools was presented to President Loubet for his

signature on June 27th. This dealt with 135 schools, which were closed. July 4th witnessed a spirited debate on the subject in the Chamber. MM. Denys Cochin de Ramel and Abbé Gayraud complained of the force employed by the Government. They contended that the schools established since the promulgation of the Associations Law did not require authorization, and that in any case the Government should wait until the tribunals had pronounced on this point before taking such drastic measures against devoted women.

In his reply, M. Combes maintained that the Associations Law required any new school to apply for authorization, for otherwise, instead of being, as was alleged, tyrannical, it would be perfectly inoffensive. Yet communities had since been founded which had made no such application. This was real defiance of the Government. Sixty-four male and 685 female communities had, however, applied for authorization. He insisted that the Government was bound to act as it had done. Brutality had been spoken of, but on this point there was much exaggeration. Great forbearance had really been shown, although in one case a priest lay down on the threshold of a convent to prevent the police from entering. These communities pretended not to be communities but merely men engaged at salaries. This, however, was a quibble; and the Council of State, in 1830 and 1838, had pronounced against a similar contention. The Government was resolved, supported as it was by a majority in both Chambers, to make the spirit of the Revolution triumph in matters of religious policy. That majority, solid as a rock, would not allow itself to be broken up by legal quibbles, for such a disruption would entail the irremediable bankruptcy of the Republican party. It would be absurd if the Government, while empowered to dissolve formerly authorized communities, were powerless against the unauthorized. M. Combes added:

"This is the first act, which will soon be followed by others. It is well that this first act should be unanimously approved by the Republicans in this Chamber. I am certain that they will do so, for our decree is but the execution of the Ministerial declaration which you applauded and which we maintain intact. Republican France has sent here a majority of representatives resolved on securing the definitive victory of lay society over monastic disobedience."

The speech of the Premier was loudly applauded and was order-

ed, by a vote of 309 to 218, to be posted in every commune in France. M. Dubief then read a declaration, signed by 225 Deputies, unreservedly approving the acts of the Government. He proposed a resolution expressing confidence that the Government would firmly apply the Associations Law and defend the rights of the lay state. This was adopted, by a vote of 333 to 206.

It is beyond question, therefore, that the drastic measures against the schools were employed with the full consent and approbation of a majority of the Deputies, who reaffirmed their adherence to the policy of M. Combes, even after they had had an opportunity to judge of actual results. In spite of the pettifoggery of the legal advisers of the Orders, there is not the slightest doubt as to the constitutionality of the law. The Concordat entered into between Napoleon and Pius VII., regulating affairs between the state and the church, providing for the support of a Secular Clergy by the civil government, etc., makes no mention of the Orders. Indeed, there is no more convincing proof that they were not intended to be included, than that offered by the fact that the Emperor later found it necessary to authorize the return of certain Orders by special, individual decrees. As to the Falloux Law, that measure offers no immunity for educational bodies from the law of the land, although it does place the state at a distinct disadvantage in regard to developing education through the means of public instruction. Nearly all the heads of the Orders accepted the Law as the Government interpreted it, and asked for authorization or removed their Congregations from France. With many of their establishments, however, it was different or there would have been no cause for the Government to employ drastic measures. Why this should have been so is revealed in a speech made the other day by M. Trouillot, Minister of Commerce, at Besançon:

“We have to deal with stratagem and violence. For this a corner of France has been chosen, a corner formerly ravaged by sanguinary conflicts, where the counter revolution a century ago implanted itself to defend the *Ancien Régime* against the new France. There, by false rumors, men, still but half liberated from the aristocratic yoke, are excited by being told ‘the revolution has seized on Paris, the Treasury is empty, insurrection is everywhere threatening, the churches are to be closed, blood will run in the streets!’ By such speeches and still more culpable methods the ashes of divisions are rekindled, and attempts are made to convert Brittany, though a country French at heart, into a

focus of Royalist insurrection. This is what should not be forgotten. The movement is neither Catholic nor religious, it is purely political; and what is striking is that it is fomented not so much by priests as by laymen, who offer the singular spectacle of inflaming the suspected zeal of members of the clergy. But be not uneasy. We are no longer in the time when the Bréton insurrection must be put down by arms. The simple intervention of justice against common law offences, which the Penal Code will be sufficient to repress, will be enough. The law will be enforced. No stratagem, no violence, and, I add, no flinching, will impede the operation of the will of Parliament and the country."

In an official note issued on August 15th, M. Combes dealt with the same phase of the subject:

"The President of the Council made known the contents of the administrative reports, which he had received from the Department of the Finistère, relative to the application of the Law of July 1st, 1901, to the congregationist establishments in the said Department. The superior of the congregations of the nuns of the *Saint Esprit* informed the President of the Council, in two successive letters, that she had twice enjoined the members of her Order having private schools in the Finistère to leave these establishments, but her endeavors failed owing to the resistance opposed by the owners of the school buildings and by part of the people residing in the district. It results, in fact, from the official reports, and from all the information collected, that the movement of resistance, which was at first presented as Catholic, is clearly and violently Royalist. The movement has led to serious offences and misdemeanors, which come under the action of the penal laws, and which will give rise to judicial prosecutions. Instructions in this sense have been transmitted to the Procurator-General of the Republic by the Keeper of the Seals."

This is the entire explanation of those "heart-rending" scenes, those "monstrous outrages," which took place in the old Royalist strongholds of Finistère and the Vendée, and aroused the sympathy of the British and American press. It is nonsense for the Vicomte Lagatinais, Admiral de Cuverville, Abbé Gayraud, Comte de Mun, and Councillor Soubigou to disown this conspiracy. The character of the demonstrations proves its existence. The circulars issued by the political bureau of the Bourbon-Orléans pretender show its origin. The complete silence of the Vatican robs it of all exalted Roman Catholic authority.

And now the *Conseils Généraux* of the Departments of France, which correspond to the State Legislatures in the United States, have passed resolutions in regard to the enforcement of the Asso-

ciations Law, an overwhelming majority of them enthusiastically supporting the Government's policy. Paradoxical as it may seem, certain legislatures of Brittany are among the majority. Now, too, the actual originators of the movement to defy the Government, the pernicious mentors of the poor misguided nuns, the demagogues of a deluded and ignorant populace, have cast aside all disguise and appear in their true light as enemies of the Republic. Nationalists, Royalists, Bonapartists, or, at any rate, the wildest among them, have embarked upon a foolish and futile campaign to induce Frenchmen to refuse the payment of taxes. They threaten no harm, however. Now that they work in the light, they are merely ridiculous. Let it be remembered that Brunetière, Lemaître, Coppée, Drumont, who are now so vociferously crying "*Vive la liberté!*" were just as vociferous three years ago in shouting "Death to the Jews!" It is astonishing that their curious inconsistency does not occasionally come home to them.

The truth of the matter is that the Dreyfus case revealed to intelligent Frenchmen a monstrous Politico-Religious Trust, which, while monopolizing public education, threatened the existence of all democratic government. They have crushed this trust in the most effectual manner possible. The repeal of the Falloux Law, which is part of the programme of the Combes Ministry, will give a government truly representative of the people of France full authority to establish and maintain institutions in which the youth of the Republic shall receive lessons in true democratic citizenship. There is reason to hope that the obstacles of the future may not be so formidable as those of the past.

WALTER LITTLEFIELD.